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Dated: October 19, 2005

Signature:

(Peter C. Lauro)

19 OCT 2005

Docket No.: 59756DIV1(49949)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Luciano Adorini, *et al.*

Application No.: Not Yet Assigned

Confirmation No.: N/A

Filed: Concurrently Herewith

Art Unit: N/A

For: GEMINI VITAMIN D3 COMPOUNDS AND
METHODS OF USE THEREOF

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, Applicants hereby direct the attention of the Patent and Trademark Office to the references listed on the attached PTO/SB/08. Applicants respectfully request that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith, which is a U.S. national phase of international application no. PCT/US2004/013703, filed April 30, 2004. The references listed on the attached PTO/SB/08 were cited in the International Search Report issued in the aforementioned PCT international application. A copy of the International Search Report is enclosed.

Applicants have not provided copies of the references inasmuch as these have already been provided to the United States Receiving Office.

Application No.: Not Yet Assigned

Docket No.: 59756DIV1(49949)

10/19/05 19 OCT 2005

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

Pursuant to 37 C.F.R. 1.97(b)(2), Applicants submit that no fees are required for consideration and entry of this Information Disclosure Statement. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 04-1105, under Order No. 59756DIV1. A duplicate copy of this paper is enclosed.

Applicants submit that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and respectfully request the Examiner to consider the listed references.

Respectfully submitted,

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By _____
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0020 Rec'd PCT/PTO 19 OCT 2005

PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
| | | | | Application Number | Not Yet Assigned |
| | | | | Filing Date | Concurrently Herewith |
| | | | | First Named Inventor | Luciano Adorini |
| | | | | Art Unit | N/A |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 1 | of | 1 | Attorney Docket Number | 59756DIV1 |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| | | US 6,030,962 A | 02/29/00 | MANCHAND et al | |
| | | US 6,008,209 A | 12/28/99 | MANCHAND et al | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|-----------------------|---|--------------------------------|---|---|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ² |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
| | | WO 98/49138 A2 | 11/05/98 | F. HOFFMAN-LA ROCHE AG | | |

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